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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,514	01/11/2001	Rainer Ludwig	HOE520	8392

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04/07/2003

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EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/758 514

Applicant(s)
Ludwig

Examiner
RAEVIS

Group Art Unit
2856

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-53 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11, 13-20, 23, 25, 26, 34, 37, 39-42 is/are rejected. 46
- ☒ Claim(s) 12, 21, 22, 24, 27-33, 35, 36, 38, 43-45 is/are objected to. 47-53
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6, 7
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference 200 (age 21, line 10). Correction is required.
2. The subject matter of page 41 must be deleted, as it is not appropriate to place material between the claims and Abstract in an application. Applicant may reinsert the material onto page 1 of the application. ✓
3. Claims 3, 9, 13, 20 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 3; "the controlled value" lacks antecedent basis. ✓

As to claims 9, 13; "the predefined position-time course" lacks antecedent basis. ✓

As to claim 20; "the torque control device" lacks antecedent basis. ✓

As to claim 25; "the torque limit" lacks antecedent basis. ✓

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 11, 13, 26, 37, 46, 39, 40, 41, 42 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 88/00511.

The reference teaches a device, including: checking element ~~12~~ or 14, motor and power supply to power the motor.

The reference's Abstract does not refer to control.

As to claims 1, 4, 11, 26; either the power supply may be deemed to control the motor, as it is the power supply that directs motor movement, or in the alternative, the reference's teaching of detecting shaft position during rotation is suggestive that the position detection has use for control, example being a feed back to control the position of ~~velocity~~ of the shaft.

As to claims 2, 3, 5, 13; application of the motor with a machine tool (Fig. 2) infers some level of automation in the tool's use.

As to claims 37, 46, 39, 40, 41, 42; note the structural components (esp element 28) between bearing 32 and housing 22, the components both lending for support and sealing from the outside environment.

7. Claims 6-10, 14, 20, 15, 23, 16-19, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 88/00511

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As to claims 6-10, 18, 19, 34; it would have been obvious to employ the machine tool in an automated system because automated systems demand electrical motors (drills) with sensors. In addition, the working times for machine tools under automated circumstances are fixed.

As to claims 14, 15; the reference's teaching of detecting shaft position during rotation is suggestive that the position detection has use for control, example being a feed back to control the position of velocity of the shaft. Automated systems demand control by use of sensors.

As to claims 20, 23, 16, 17; it is known that motors employ torque limiters.

8. Claims 12, 21, 22, 24, 27-33, 35, 36, 47-53, 38 and 43-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goodsmith tests for position.

Harjar et al calibrates a motor type system.

Weiss teaches testing a machine.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Raevis whose telephone number is (703) 305-4919. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Raevis
R. Raevis
Examiner